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MO-V Bk H 2108—31*a*

BOMBAY ACT No. X OF 1950.[1]

[THE BOMBAY PROHIBITION OF SIMULTANEOUS MEMBERSHIP ACT, 1950.]

[*25th April 1950*]

An Act to provide for the vacation by a person who is chosen a member of both the Bombay Legislative Assembly and the Bombay Legislative Council of his seat in one House or the other.

WHEREAS it is necessary to provide, in accordance with Article 190 of the Constitution of India, for the vacation by a person who is chosen a member of both the Bombay Legislative Assembly and the Bombay Legislative Council of his seat in one House or the other and for certain other purpose ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Prohibition of Simultaneous Membership Act, 1950. Short title.

2. (*1*) Any person who is chosen a member of both the Houses of the Legislature of the State of Bombay and who has not taken his seat in any of the Houses may by notice in writing given in the manner and within the period prescribed in sub-section (*2*) intimate in which of the Houses he wishes to serve and any choice so intimated shall be conclusive and his seat in the House in which he does not wish to serve shall thereupon become vacant. If no such intimation is given the seat of such person in the Legislative Assembly shall become vacant. Prohibition of simultaneous membership.

(*2*) The notice in writing under sub-section (*1*) shall be signed by such person and delivered to the Speaker of the Legislative Assembly and the Chairman of the Legislative Council or to the person authorised by the Speaker and the Chairman, in this behalf within ten days from the date of publication in the *Official Gazette* of the declarations that he has been so chosen or, if such publications have been made on different dates, within ten days from the later of such dates, as the case may be.

(*3*) If a person who is already a member of the Legislative Assembly and has taken his seat in such Assembly is chosen a member of the Legislative Council, his seat in the Assembly shall, on the publication in the *Official Gazette* of the declaration that he has been so chosen, become vacant.

(*4*) If a person who is already a member of the Legislative Council and has taken his seat in such Council is chosen a member of the Legislative Assembly, his seat in the Council shall, on the publication in the *Official Gazette* of the declaration that he has been so chosen, become vacant.

3. Where the seat of a person either in the Legislative Council or the Legislative Assembly becomes vacant under sub-section (*1*) of section 2 the Returning Officer of the constituency concerned which has elected the candidate whose seat has become so vacant shall as soon as practicable declare elected the candidate to whom the next largest number of votes had been given in the election as if the person whose seat has become vacant had not contested that election. Filling up of seat becoming vacant under section 2.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Part V, p. 142.